72-1330 FILE COPY

APR 2 1973

MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1973

No. 72-1330

INSURANCE COMPANY OF NORTH AMERICA,
Petitioner,

versus

LOUELLA S. Da'VILLE, Individually and as Natural Tutrix of the Minor, Peyton Renee Da'Ville,

R. S. WISE, ROY RAWLS and PACIFIC INDEMNITY COMPANY,
Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

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Attorney for Petitioner,
Insurance Company of North America

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1973

No.

LOUELLA S. Da'VILLE, Individually and as Natural Tutrix of the Minor, Peyton Renee Da'Ville,
Plaintiff-Appellant,

INSURANCE COMPANY OF NORTH AMERICA,
Intervenor-Appellant,

versus

R. S. WISE, ROY RAWLS and PACIFIC INDEMNITY COMPANY,
Defendants-Appellees.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

The petitioner, INSURANCE COMPANY OF NORTH AMERICA, prays that a writ of certiorari issue to review the opinion and judgment of the United States Court of Appeals for the Fifth Circuit rendered in these proceedings on January 2, 1973. The appellate decision affirmed the decision of the Lower Court.

JURISDICTION

The decision of the United States Court of Appeals for the Fifth Circuit was handed down on January 2, 1973. This petition for certiorari was filed less than ninety (90) days from the date aforesaid. The jurisdiction of this Court is invoked under 28 U.S.C. 1254 (1).

QUESTIONS PRESENTED

As more fully shown in the writ application made on behalf of Louella S. Da'Ville, Individually and as Natural Tutrix of the Minor, Peyton Renee Da'Ville, the action is one for death of Charles Da'Ville, an employee of Movible Offshore, Inc. The decedent's widow, sued individually and as administratrix of the infant child under Title 28, U.S.C. Section 1331 (A) and Title 43, U.S.C. Section 1333 (the Outer Continental Shelf Lands Act) for damages for Da'Ville's wrongful death. Made defendants were: (A) Pacific Indemnity Company as the liability insurer of Movible Offshore and (B) Da'Ville's co-employees from Movible Offshore, Wise, a toolpusher, and Rawls, a driller.

Your petitioner, The Insurance Company of North America, was Movible Offshore's compensation carrier and intervened into the action to recover from Pacific Indemnity all amounts paid and required to be paid by it to the widow and child under the Longshoremen's and Harbor Workers' Compensation Act, Title 33, U.S.C. Section 901, et seq.

The writ application on behalf of the widow and dependent infant child has been or will shortly be filed in this Court.

Intervenor, Insurance Company of North America, reiterates all statements of fact, arguments, conclusions made in the said writ application mentioned aforesaid and copies them *in extenso* herein.

CONCLUSION

For the reasons set forth in the principal writ application filed on behalf of the widow and dependent child, intervenor prays that a writ of certiorari should issue to review the judgment and opinion of the United States Court of Appeals for the Fifth Circuit.

DAVIDSON, MEAUX, ONEBANE & DONOHOE
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Lafayette, Louisiana 70501

By: _____
V. FARLEY SONNIER
COUNSEL FOR PETITIONER

CERTIFICATE

I HEREBY CERTIFY that a copy of the above and foregoing Petition has been forwarded to all attorneys of record by depositing a copy of the same in the United States Mail, postage prepaid and properly addressed to said attorneys.

Lafayette, Louisana, this _____ day of March, 1973.

_____
V. FARLEY SONNIER